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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,302	08/26/2003	Masafumi Sakaguchi	116905	2612
25944	7590	01/27/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			CRUZ, MAGDA	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,302

Applicant(s)

SAKAGUCHI ET AL.

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RODNEY FULLER
PRIMARY EXAMINER

R. J. Fuller

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/5/03 & 1/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3 and 9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8-9 of copending Application No. 10/645,775. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

- a. Claim 1 reads on claim 1 (lines 1-5) and claim 8 (lines 2-5).
- b. Claim 3 reads on claim 1 (lines 5-7).
- c. Claim 6 reads on 9 (lines 1-2).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Priority

- 3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

- 4. Claims 1-6 are objected to because of the following informalities:
 - a. Regarding claim 1, the phrase "the microlenses of the microlens array portion being arrayed vertically and horizontally in such a way that adjacent microlenses have common sides and the array is rotated by 45°" renders the claim to be indefinite, since the claim failed to disclose with respect to which axis the array is rotated. The applicant is respectfully requested to clarify said phrase.
 - b. Claims 2-6 fall with the parent claim.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto et al.

Hashimoto et al. (US Patent Number 6,335,828 B1) discloses:

- Regarding claim 1, a transmissive screen (Figure 1) comprising a Fresnel lens (101) portion having Fresnel lens components on the light-exiting surface thereof (i.e. light emitting side of element 101); and a microlens array portion (102) disposed at a light-exiting surface side of the Fresnel lens portion (101) and having a plurality of microlenses (i.e. micro-lens) on a light-incident surface thereof, the microlenses of the microlens array (102) portion being arrayed vertically (V direction) and horizontally (H direction) in such a way that adjacent microlenses have common sides and the array is rotated by 45° (column 4, lines 48-54).
- Regarding claim 2, microlenses (102) having larger vertical and horizontal array pitches than oblique array pitches at an angle of 45° (column 4, lines 49-57).

- Regarding claim 4, a diffusing sheet (105) that is disposed at a light-exiting surface side of the microlens array portion (102).
- Regarding claim 5, a light shield member (103) that is disposed between the microlens array portion (102) and the diffusing sheet (105), the light shield member (103) having apertures (104) near focal points (203) of the microlenses (102).
- Regarding claim 6, a rear projector (column 1, lines 5-6) comprising an optical projecting unit (i.e. rear projection type television) and a transmissive screen (Figure 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. in view of Karasawa et al.

Hashimoto et al. (US Patent Number 6,335,828 B1) teaches the salient features of the present invention, except a light diffusing portion that is disposed between the Fresnel lens portion and the microlens array portion. However, Hashimoto et al. discloses a micro-lens array sheet (102) comprising a light diffusion sheet (105), a

Fresnel lens (101), and a light shielding film (103) between the microlens array and the light diffusing sheet (105; see Figure 1).

Karasawa et al. (US 2204/0070845 A1) discloses a light diffusing portion (130) that is disposed between the Fresnel lens portion (110) and the microlens array portion (120).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the light diffusion portion disclosed by Karasawa et al. in combination with Hashimoto et al.'s invention, for the purpose of having a light transmissive screen with uniform diffusion over the entire screen (page 1, paragraph 0011, lines 2-3).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knox et al. (US 6,788,460 B2) discloses projection systems and projection screens including a double-layered screen construction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RODNEY FULLER
PRIMARY EXAMINER
R. Fuller

Magda Cruz
Patent Examiner
January 20, 2005